

Application for Search and Seizure Warrant

UNITED STATES DISTRICT COURT
 for the
 Western District of Washington

FILED	LODGED
RECEIVED	
Jul 29, 2021	
CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA BY _____ DEPUTY	

In the Matter of the Search of:

WILLIAMS NAIMAH, driver of a black
 Mini Cooper bearing license plate
 BZJ0523

WILLIAMS NAIMAH

Case No. MJ21-5166

APPLICATION FOR A SEARCH WARRANT FOR BLOOD SAMPLE

I, David C. Pullins, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that a sample of blood consisting of one or more tubes or vials should be taken from the following person:

Williams Naimah, driver of a black Mini Cooper bearing license plate BZJ0523

located in the Western District of Washington and that this blood sample is evidence of the following crime or crimes.

- Driving While Under the Influence in violation of RCW 46.61.502, 18 U.S.C. § 13, and 36 C.F.R. § 4.23 or 38 C.F.R. § 1.218
- Physical Control of a Vehicle While Under the Influence of Alcohol or Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R. § 4.23 or 38 C.F.R. § 1.218
- Driver under Twenty-One Consuming Alcohol or Marijuana in violation of RCW 46.61.503 and 18 U.S.C. § 13
- Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
- Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13
- _____

This application is based on the facts set forth in the attached affidavit which is incorporated herein as if fully set forth.

Pursuant to Fed. R. Crim. P. 4.1 & 41(d)(3), this warrant is presented:

- By reliable electronic means.
- Telephonically (and recorded).

PULLINS.DAVID.C
Digitally signed by
 PULLINS.DAVID.COLE.1075521371
 Date: 2021.07.29 01:51:35 -07'00'

Applicant's Signature
 David Pullins, Military Police
 Joint Base Lewis-McChord Military Police

The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone on this 29th day of July, 2021.



THE HON. J. RICHARD CREATURA
 UNITED STATES MAGISTRATE JUDGE

1 STATE OF WASHINGTON)
2) ss
3 COUNTY OF PIERCE)

4

5 AFFIDAVIT OF DAVID PULLINS

6 I, David Pullins, a Law Enforcement Officer with Joint Base Lewis-McChord
7 Police, Pierce County, Washington, having been duly sworn, state as follows:

8 AFFIANT BACKGROUND.

9 1. I have served as a law enforcement officer for the past three and a half
10 years. My training and experience relevant to the investigation discussed below includes
11 the following:

- 12 Basic Training at the Federal Law Enforcement Training Center
13 Basic Law Enforcement Academy at the Fort Leonard Wood,
14 Missouri (Military Police Academy)
15 Standardized Field Sobriety Testing
16 Advanced Roadside Impaired Driving Enforcement Training

17 I am David Pullins, currently assigned to the Joint Base Lewis-McChord (JBLM) 66th
18 MP Co as a Law Enforcement patrol Officer. I have completed 19 weeks of Military
19 Police Training at One Station Unit Training in Fort Leonard-Wood. My training
20 includes Standard Field Sobriety Tests (SFSTs) at Joint Base Lewis-McChord. My
21 certification was completed March of 2019 in accordance with The National Highway
22 and Transportation Safety Administration (NHTSA) standards. I am also trained to
23 recognize the signs and evidence of an alcohol and/or drug related collision. Through my
24 past training and experience I have learned to recognize the signs of alcohol and/or drug
25 impairment in people and to determine whether or not a person's ability to drive a motor
26 vehicle safely is impaired. By virtue of this training and experience, I am familiar with
27 current techniques for detecting drug or alcohol impaired drivers, and I am competent to
28 perform such investigations. I understand that most drugs once ingested, including

alcohol, will be detectable in a person's blood. The information presented in this affidavit is:

- ☒ Based on my personal observations and interviews that I have conducted.

INTRODUCTION AND PURPOSE OF THE AFFIDAVIT.

3. The purpose of this affidavit is to seek a search warrant to authorize me or other law enforcement officers to direct a physician, a registered nurse, a licensed practical nurse, a nursing assistant as defined in Chapter 18.88A of the Revised Code of Washington (RCW), a physician assistant as defined in chapter 18.71A of the RCW, a first responder as defined in chapter 18.73 of the RCW, an emergency medical technician as defined in chapter 18.73 of the RCW, a health care assistant as defined in chapter 18.135 of the RCW, or any technician trained in withdrawing blood to extract a blood sample consisting of two tubes or vials from WILLIAMS NAIMAH (hereafter "the Subject"). This warrant is requested for the purpose of gathering evidence of the following crime(s):

- Driving While Under the Influence in violation of RCW 46.61.502, 18 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
 - Physical Control of a Vehicle While Under the Influence of Alcohol or Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
 - Driver under Twenty-One Consuming Alcohol or Marijuana in violation of RCW 46.61.503 and 18 U.S.C. § 13
 - Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
 - Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13
 -

4. I am seeking to present this application for a search warrant by electronic means because the natural metabolism of alcohol or drugs in the bloodstream may result in the loss of this evidence in the time it would take to present a search warrant application in a more traditional fashion.

SUMMARY OF PROBABLE CAUSE

5. As a result of my duties I am familiar with the jurisdictional boundaries of Joint Base Lewis-McChord, Washington. The incident described below occurred within these jurisdictional boundaries, an area within the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. § 7.

6. The initial contact with the Subject occurred on 28 Jul 21 at approximately 2259hrs at McChord Main Gate. William Naimah was stopped at the JBLM main gate as she was coming onto base. She was driving a black Mini Cooper bearing license plate BZJ0523. She was the sole person in the vehicle. The gate guard contacted military police because they smelled the odor of marijuana coming from Ms. Naimah's vehicle.

7. I contacted Ms. Naimah and asked her to step out of the vehicle. Based on my training and experience, I believe Ms. Naimah was under the influence of intoxicants or drugs while driving her motor vehicle for the following reasons: William Naimah was swaying while standing, had red glossy eyes, and a very strong odor of marijuana emanated from both the vehicle and her person. She voluntarily agreed to perform the standard field sobriety tests. When I conducted the horizontal gaze nystagmus test, Ms. Naimah exhibited distinct and sustained nystagmus at maximum deviation in both eyes. During the walk and turn test, Ms. Naimah exhibited four out of eight signs of impairment: Ms. Naimah stepped off line, missed heel-to-toe steps, used her arms for balance, and conducted an improper turn. During the One Leg Stand test, Ms. Naimah exhibited three out of four signs of impairment: she swayed while balancing, used her arms to balance, and put her foot down on two separate occasions.

8. The Subject:

- Has refused to take a breath Alcohol test on an instrument approved by the State Toxicologist or a federal agency for such breath testing.
 - Is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility, or is at a location that lacks an instrument approved by the State Toxicologist or a federal agency for performing such breath testing, and has refused to submit to a blood test.

- Is incapable due to physical injury, physical incapacity, or other physical limitation of submitting to a breath alcohol test, and the defendant has refused to submit to a blood test.
 - Has refused to submit to a blood test at the request of the undersigned.
 - Was not offered an opportunity to take a breath alcohol test on an instrument approved by the State Toxicologist or a federal agency for such breath testing because:
 - The available instrument is currently out of order
 - The individual does not speak English and the implied consent warnings are not available in a language that the defendant understands
 - _____
 - Submitted to a breath test on an instrument approved by the State Toxicologist or a federal agency for such breath testing but the breath alcohol concentration reading of xx **BAC LEVEL** is not consistent with the defendant's level of impairment suggesting that the defendant is under the influence of a drug.

9. A sample of blood extracted from the Subject if taken within a reasonable period of time after he/she last operated, or was in physical control of, a motor vehicle, may be tested to determine his/her current blood alcohol level and to detect the presence of any drugs that may have impaired his/her ability to drive. This search warrant is being requested within **4** hours after the Subject ceased driving or was found in physical control of a motor vehicle.

CONCLUSION

22 10. For the reasons stated above, I request authority to direct a physician, a
23 registered nurse, a licensed practical nurse, a nursing assistant as defined in chapter
24 18.88A of the RCW, a physician assistant as defined in chapter 18.71A of the RCW,
25 a first responder as defined in chapter 18.73 of the RCW, an emergency medical
26 technician as defined in chapter 18.73 of the RCW, a health care assistant as defined in
27 chapter 18.135 of the RCW, or a technician trained in withdrawing blood to extract a
28 blood sample consisting of one or more tubes or vials from WILLIAMS NAIMAH

11. This application for a warrant is being presented electronically pursuant to Fed. R. Crim P. 4.1 & 41(d)(3).

I certify (or declare) under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated this 29th day of Jul, 2021.

PULLINS.DAVID.C
OLE.1075521371
Digitally signed by
PULLINS.DAVID.COLE.1075521371
Date: 2021.07.29 01:52:19 -07'00'

**David Pullins, Military Police
Joint Base Lewis-McChord**

The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit on 29 day of Jul, 2021.

J. Randal Cook

**THE HON. J. RICHARD CREATURA
UNITED STATES MAGISTRATE JUDGE**